

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 24, 2008 has been entered.
2. An amendment was received from the applicant on April 24, 2008.
3. Claims 1-14 have been canceled.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lane (US 4,756,265).

Lane discloses the same planing watercraft as claimed, as shown in Figures 16-21, said watercraft being comprised of a planing hull, as shown in Figure 16, in combination with a single lifting device, defined as Part #240, that is attached to said

watercraft at a predetermined distance from the bottom of said hull, as shown in Figure 17, said device being further comprised of a single transversal element, defined as Part #246, with an upper surface that faces said bottom of said hull and a lower surface opposite said upper surface, as shown in Figure 16, said transversal element being subject to a lifting force that is perpendicular to said lower surface, where said transversal element is arranged below the bottom of said hull substantially at the barycenter or center of mass of said watercraft, as shown in Figure 16, and where said watercraft during operation has one portion of the bottom of said hull in water while being sustained partially by said portion of said bottom, and partially by said device.

Response to Arguments

6. Applicant's arguments filed on April 24, 2008 regarding claims 15 and 16 have been fully considered but they are not persuasive.
7. The applicant argues that Lane (US 4,756,265) does not disclose the feature of a transversal element that is located substantially at the barycenter of a watercraft.
8. In response to the applicant's argument, Lane discloses a planing watercraft in combination with a single lifting device, said device being further comprised of a single transversal element that is subject to a lifting force that is perpendicular to a lower surface of said element, where said transversal element is arranged beneath said watercraft substantially at the barycenter of said watercraft, as shown in Figure 16, which allows said watercraft to be sustained partially by a portion of its hull, and partially by said single lifting device. Thus, Lane discloses all of the features of the planing

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watercraft as disclosed by the applicant. Therefore, for the reasons given above, the rejection of claims 15 and 16 is deemed proper and is not withdrawn.

Conclusion

9. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

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May 14, 2008

/Lars A Olson/

Primary Examiner, Art Unit 3617